

CONSERVATION COMMISSION

REGULAR MEETING NOVEMBER 18, 2008

E. CURTIS AMBLER ROOM

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotape on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block noted that per an opinion from the Town Attorney that even though there are only three (3) Commissioners present, the meeting can be called to order because there are present an adequate number of Alternates to make a quorum.

Chairman Block called the roll call at 7:00 p.m. and noted Commissioners Byer and Igielski were present. Also present were Alternates Harlow, Turgeon and Zelek and Mr. Anthony Ferraro, Town Engineer.

NOTE: Chairman Block designated that Alternate Harlow would vote for Commissioner Vasi, Alternate Zelek would vote for Commissioner Shapiro and Alternate Turgeon would vote for Commissioner Woods.

ITEM III

ACCEPTANCE OF MINUTES

Regular Meeting of October 21, 2008

Motion made by Commissioner Igielski to accept the minutes and was seconded by Commissioner Byer. There was no discussion. Vote was 5 yes, 0 no, 1 abstention (Turgeon) and the motion was carried.

ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. James Wells, 31 Henry Avenue, complained of the paving job done by Webber's Nursery as a sub-contractor for Stamm Construction on the section of Styles Avenue west of Henry Avenue. Now, all the water (overland surface flow) flows down his driveway, whereas; only a portion of the flow did before the work was done. He had been promised by the Town Manager that the condition would be corrected earlier in the year.

Chairman Block asked how is this matter a wetland problem? Mr. James responded water now flows through his property into the wetland. The water (surface flow) causes erosion and the material ends up in the wetland.

Chairman Block asked if silt and material are washed into the wetland? Mr. James responded yes.

Chairman Block asked that if problem is not going to be corrected after Mr. Anthony Ferraro Town Engineer looks into the problem, would he (Mr. Wells) be willing to bring back photos to the Commission for next month's meeting? Mr. Wells responded yes.

Mr. Ferraro noted as part installing a new water main in Styles Avenue, the section of road affected by the construction was to be over laid (with bituminous concrete material). He noted the quality of the road (Styles Avenue west of Henry Avenue) is not up to standards.

Chairman Block asked if there was a bond posted for the work? Mr. Ferraro responded yes. He (Mr. Ferraro) noted that the money would not be released until it is determined the work meets the contract requirements.

Commissioner Byer asked who has over sight of the work? Mr. Ferraro responded he and the Highway Superintendent.

ITEM VA

Election of Officers (Commission Secretary)

Commissioner Igielski noted that new officers would be elected at the December meeting. Therefore, the item should be removed from the agenda. (Note: Item to be removed from agenda)

ITEM VB

Public Hearing-Application 2008-9, Map Amendment for 1056 Willard Avenue

Commissioner Igielski, as a point of order, requested that the name of the newspaper and dates when the Legal Notice appeared in it be entered into the record.

Mr. Ferraro responded the Legal Notice appeared in the Hartford Courant on November 7, 2000 and November 13, 2008.

Mr. Joe Perugini, P.E., Weston and Sampson and representing the applicant, referring to a plan on the wall entered the following remarks into the record:

- A. The site is approximately fifteen (15) acres in size.
- B. The red line on the plan reflects the wetland boundary limits as shown on the Town Map.
- C. The blue line on the plan reflects the wetland boundary limits that had been flagged in the field by a soil scientist.

Mr. Scott Stevens, soil scientist, noted that the wetland boundary limits were flagged in the field during September and October of 2005 and were transferred onto a topographic survey done by BGI in 2005. The work was done in anticipation of possible future activity.

Chairman Block asked why was this work (by soil scientist) allowed to sit for two (2) to three (3) years? Mr. Perugini responded when the work was done there was consideration being given to the creation of a residential lot in the northwest corner of the property.

Mr. Scott Stevens, soil scientist with Soil Science and Environmental Services, entered the following remarks into the record:

- A. The wetland boundaries were flagged in 2005.
- B. At the time the wetlands were flagged, the area around the radio station was established old fill with defined boundary limits and surrounded with established trees.
- C. He believes the line on the plan has not changed.

Chairman Block asked what is the caliper of the trees in the area of fill (where activity is proposed)? Mr. Stevens responded several inches. He had visited the site earlier today.

Mr. Ferraro noted an application was submitted in 1996 to do work on the site involving the radio towers. The map (submitted with the application) shows the wetland boundaries close to the building. There was an inconsistency with the Town Map and the proposed map amendment at this time.

Recording Secretary Peter Arburrr noted the application in 1996 called for the installation of a new transmission tower and associated subsurface ground wires. The previously noted activities all occurred outside of the wetland boundary limits determined by the soil scientist in the field. Therefore, the applicant probably did not see the need to apply for a map amendment.

Chairman Block noted there were no members of the public present in the audience.

Motion made by Commissioner to close the Public Hearing for the proposed map amendment under Application 2008-9 and was seconded by Commissioner Byer. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

Motion made by Commissioner Igielski to reverse ITEM VI A and ITEM VI B to allow action on the map amendment prior to action being taken on the proposed activity which uses wetland boundary limits to be approved under Application 2008-9. Motion seconded by Commissioner Byer. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

ITEM V B

Application 2008-9, Map Amendment for 1056 Willard Avenue

Chairman Block asked if the application was complete? Mr. Ferraro responded yes.

Mr. Ferraro passed out a list of suggested reasons for consideration by Commission Members. There was a brief discussion by Commission members.

Motion made by Commissioner Igielski to grant a permit by Plenary Ruling for a Map Amendment for Application 2008-9 for the stipulated reasons. Public Hearing was opened on November 18, 2008 and was closed on November 18, 2008. Motion seconded by Commissioner Byer.

Commissioner Igielski said that he supported the application because the (map) change reflects wetland boundaries found by the soil scientist in the field and makes for a more correct (Town) Map.

Commissioner Byer asked why are we accepting the findings of the soil scientist? There was a general discussion (listen to audio tape for details). At the conclusion of the discussion, it was pointed out that the soil scientist by the Act is the only person that can legally define actual wetland boundary limits in the field. The response was acceptable to Commissioner Byer.

Vote was 6 yes, 0 no and motion was carried.

NOTE: Refer to audio tape or "Official Notification of Action" for reasons in granting the permit.

ITEM VI A

Application 2008-8, Install Emergency Propane Powered Generator at 1056 Willard Avenue

Mr. Joe Perugini, P.E., Weston and Sampson and representing the applicant, referring to a site plan on the wall entered the following remarks into the record:

- A. The applicant is seeking permission to install an emergency generator on a concrete pad.
- B. The station has lost power on numerous occasions each year (already lost power ten (10) times this year).
- C. The generator would be connected to two (2) 100 gallon propane gas tanks by twelve (12) feet of piping.

Mr Perugini noted that the map (current site plan) previously indicated that the cat walk was to be repaired. It was just a note from the (1996) site plan and has been removed from the (current site) plan.

Mr. Perugini noted that the general contractor for installing the generator said the installation would not present a nuisance.

Chairman Block asked if the generator would be installed in a box? Mr. Perugini responded that the general contractor said it would in a box.

Chairman Block asked if the application was complete? Mr. Ferraro responded yes.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2008-8 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Byer. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

Mr. Ferraro passed out a list of suggested conditions for consideration by Commission members. There was a general review and discussion by Commission members.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2008-8 and subject to conditions. Motion was seconded by Alternate Harlow. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

NOTE: Refer to audio tape or "Official Notification of Action" for conditions of the permit.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS

Mr. Ferraro noted that there is a new owner for the Deming Street residential development where the Commission has issued Permit 2006-24. The new owner of the development would propose several changes that would include a reduction in the number units and eliminating the approved through street with a cul-de-sac. The new owner is seeking guidance from the Commission on how to proceed. Commission members compared the approved plan to the proposed revised plan. There was an extensive discussion among Commission members (listen to audio tape for details of the discussion). It was the consensus of Commission members that a request to be made by the owner for a Permit Modification and then make a presentation to the Commission. The Commission would then render a decision (Permit Modification is acceptable or some action would be required) on the matter. It was also determined that a request for the Transfer of the Permit would have to be made to the Commission.

Motion made by Commissioner Byer to adjourn meeting at 8:25 p.m. and was seconded by Alternate Harlow. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager John Salamone

Edmund Meehan, Town Planner

Councilor Myra Cohen

Chairperson, Town Plan and Zoning Commission

Anthony Ferraro, Town Engineer

Ben Ancona Jr., Esquire, Town Attorney

Lucy Robbins Wells Library (2)